

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 5:20-CV-216-BO

CBRE HEERY, INC.,)
)
Plaintiff,)
)
v.)
)
RLI INSURANCE COMPANY and)
SOUTHERN GLASS & MIRROR OF)
EASTERN NORTH CAROLINA, INC.,)
)
Defendants.)

ORDER

SOUTHERN GLASS & MIRROR OF)
EASTERN NORTH CAROLINA, INC.,)
)
Counterclaim Plaintiff,)
)
v.)
)
CBRE HEERY, INC.,)
)
Counterclaim Defendant.)

SOUTHERN GLASS & MIRROR OF)
EASTERN NORTH CAROLINA, INC.,)
)
Third-Party Plaintiff,)
)
v.)
)
TRAVELERS CASUALTY AND SURETY)
COMPANY OF AMERICA, FIDELITY)
AND DEPOSIT COMPANY OF)
MARYLAND, LIBERTY MUTUAL)
INSURANCE COMPANY, AND)
FEDERAL INSURANCE COMPANY,)
)
Third-Party Defendants.)

This cause comes before the Court on the motion for partial summary judgment of plaintiff CBRE Heery, Inc. and third-party defendants Travelers Casualty and Surety Company of America, Fidelity and Deposit Company of Maryland, Liberty Mutual Insurance Company, and Federal Insurance Company and the notice of voluntary dismissal of defendant Southern Glass & Mirror of Eastern North Carolina, Inc. Plaintiff and third-party defendants have moved for summary judgment on count three of defendant's counterclaim and third-party complaint. In response, and pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, defendant has moved to voluntarily dismiss count three without prejudice.

Therefore, defendant's payment bond claim against the counterclaim defendant and third-party defendants is DISMISSED WITHOUT PREJUDICE. The third-party defendants are DISMISSED WITHOUT PREJUDICE, and the Clerk is directed to close the case against them. Since claim three has been dismissed, the motion for partial summary judgment of plaintiff and third-party defendants [DE 51] is DENIED as MOOT.

SO ORDERED, this 15 day of July, 2021.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE